

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**FELONY**

**INDICTMENT FOR CONSPIRACY, BANK FRAUD AND  
PRESENTING ALTERED UNITED STATES POSTAL MONEY ORDERS**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.
v.	*	SECTION:
	*	VIOLATIONS: 18 U.S.C. § 371
EDDIE MATTHEWS, III		18 U.S.C. § 500
ARIELLE ANDERSON	*	18 U.S.C. § 1344
a/k/a TOMORROW M. NEWSON		18 U.S.C. § 2
DANYALE BARNETT	*	
a/k/a ROCKELL GREGORY		
EVERNY GORDON	*	
GILDA DAVIS		
SHONDRA IRVING	*	
	*	
	*	
	*	

The Grand Jury charges that:

**COUNT 1**

**CONSPIRACY**

**A. AT ALL TIMES MATERIAL HEREIN:**

1. Capital One Bank, located in the Eastern District of Louisiana, was a bank whose deposits were insured by the Federal Deposit Insurance Corporation, as provided by Title 18, United States Code, Section 20.

2. Whitney National Bank, located in the Eastern District of Louisiana, was a bank whose deposits were insured by the Federal Deposit Insurance Corporation, as provided by Title 18, United States Code, Section 20.

3. AmSouth Bank (now known as Regions Bank), located in the Eastern District of Louisiana, was a bank whose deposits were insured by the Federal Deposit Insurance Corporation, as provided by Title 18, United States Code, Section 20.

4. Fifth District Savings Bank, located in the Eastern District of Louisiana, was a bank whose deposits were insured by the Federal Deposit Insurance Corporation, as provided by Title 18, United States Code, Section 20.

5. Regions Bank, located in the Eastern District of Louisiana, was a bank whose deposits were insured by the Federal Deposit Insurance Corporation, as provided by Title 18, United States Code, Section 20.

6. Iberia Bank, located in the Eastern District of Louisiana, was a bank whose deposits were insured by the Federal Deposit Insurance Corporation, as provided by Title 18, United States Code, Section 20.

**B. THE CONSPIRACY:**

From a time unknown but prior to August 30, 2007, and continuing until or about February 19, 2008, in the Eastern District of Louisiana and elsewhere, the defendants, **EDDIE MATHEWS III, ("MATTHEWS"), ARIELLE ANDERSON, a/k/a TOMORROW M. NEWSON; DANYALE BARNETT, a/k/a ROCKELL GREGORY; EVERNY GORDON; GILDA DAVIS and SHONDRA IRVING**, along with others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate and agree to devise a scheme and artifice to defraud

various federally insured financial institutions as identified in Counts 2-18 and 21-27 and to obtain money owned by and under the custody and control of these institutions, by means of false and fraudulent pretenses, representations and promises, and in execution of the aforesaid scheme and artifice to defraud that the defendants fraudulently presented and cashed altered checks and money orders, knowing said checks and money orders to have been fraudulently and falsely altered, in violation of Title 18, United States Code, Section 1344.

**C. OVERT ACTS:**

During the course of the conspiracy, in the Eastern District of Louisiana and elsewhere, the following overt acts, among others, were committed in furtherance of the above described conspiracy:

1. In or around September 2007, **ARIELLE ANDERSON** ("ANDERSON"), **a/k/a TOMORROW M. NEWSON**; **DANYALE BARNETT** ("BARNETT"), **a/k/a ROCKELL GREGORY**; **EVERNY GORDON** ("GORDON"); and **GILDA DAVIS** ("DAVIS") were recruited by **EDDIE MATTHEWS, III** ("MATTHEWS") in New Orleans, Louisiana and elsewhere and were asked whether they were interested in making money by cashing altered checks.
2. In or around September and October 2007, the checks were altered or "washed" by **MATTHEWS** with a paint thinner like substance which was purchased at a Walmart retail outlet.
3. The checks that were altered or "washed" by **MATTHEWS** had been stolen from residential mailboxes by **MATTHEWS** or persons known by **MATTHEWS**.
4. In or around September and October, 2007, **MATTHEWS** drove **ANDERSON, BARNETT, GORDON, and DAVIS** to various banks in this District to cash checks

**MATTHEWS** had altered by making the checks payable to **ANDERSON, BARNETT, GORDON,** and **DAVIS**.

5. **MATTHEWS** altered the checks so as to increase the amount of the check and the account holder's signature was forged.

6. In the memo section of the altered checks, **MATTHEWS** wrote "care staff" or "mother's care staff" or "home health care".

7. In or around September and October 2007, certain of the defendants wore medical scrubs as clothing so as to appear they were employed as home health care workers.

8. After cashing the checks, **ANDERSON, BARNETT, GORDON,** and **DAVIS** provided **MATTHEWS** with the money illegally received from the banks and, in turn, **MATTHEWS** provided the defendants with a portion of the illegal proceeds.

9. On or about February 12, 2008, **SHONDRA IRVING ("IRVING")**, was living in Houston, Texas, and was recruited by **MATTHEWS** to cash altered checks in the Eastern District of Louisiana and elsewhere.

10. **MATTHEWS** told **IRVING** to bring her birth certificate, social security card and nursing scrubs with her to Baton Rouge, Louisiana.

11. **IRVING** met **MATTHEWS** and **BARNETT** at a bus station in Baton Rouge, Louisiana and drove to New Orleans, Louisiana where **IRVING** obtained a Louisiana Identification card from the Louisiana Department of Motor Vehicles.

12. On or about February 2008, **IRVING, MATTHEWS, BARNETT** and other persons known and unknown to the grand jury drove through residential neighborhoods in New Orleans and removed outgoing mail from residential mailboxes.

13. In or around February, 2008, **MATTHEWS** drove **IRVING** to various banks to cash checks stolen from residential mail boxes which **MATTHEWS** had altered by making the checks payable to **IRVING**.

14. In or about February 2008, **MATTHEWS** altered the checks so as to increase the amount of the checks and the account holder's signature was forged.

15. In the memo section of the checks **MATTHEWS** wrote "mothers care staff".

16. After cashing the checks **IRVING** provided **MATTHEWS** with the money illegally received from the banks and **MATTHEWS** provided a portion of the illegal proceeds to **IRVING**;

All in violation of Title 18 United States Code, Section 371.

## **COUNT 2**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 5, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in Marrero, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$934.47 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT 3**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 10, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in New Orleans, Louisiana, and to obtain money owned by or under the custody of Capital One Bank, by means of false or fraudulent pretenses, representations or promises, and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$967.14 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT 4**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 10, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON**, knowingly devised a scheme and artifice to defraud Whitney National Bank, located in New Orleans, Louisiana, and to obtain money owned by and under the custody of Whitney National Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$976.82, was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT 5**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 11, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **EVERNY GORDON**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in Metairie, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$977.36 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT 6**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 12, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **EVERNY GORDON**, knowingly devised a scheme and artifice to defraud Whitney National Bank, located in Metairie, Louisiana, and to obtain money owned by and under the custody of Whitney National Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$950.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### COUNT 7

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. The Bank Fraud:

On or about September 12, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON, a/k/a TOMORROW M. NEWSON**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in Metairie, Louisiana and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$988.29 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### COUNT 8

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. The Bank Fraud:

On or about September 20, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON, a/k/a TOMORROW M. NEWSON**, knowingly devised a scheme and artifice to defraud Capital One Bank, (formerly Hibernia National Bank), located in Harahan, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$988.00, was



fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 9**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 20, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in New Orleans, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations or promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$988.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 10**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 20, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **EVERNY GORDON**, knowingly devised a scheme and artifice to defraud Capital One Bank, in New Orleans, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$988.00

was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 11**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 26, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON, a/k/a TOMORROW M. NEWSON**, knowingly devised a scheme and artifice to defraud AmSouth Bank, located in Gretna, Louisiana, and to obtain money owned by and under the custody of AmSouth Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$989.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 12**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 26, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to defraud Fifth District Savings Bank, located in Marrero, Louisiana, and to obtain money owned by and under the custody of Fifth District Savings Bank, by means of false and fraudulent pretenses, representations or promises and in execution of the scheme and artifice as set forth above, an altered

check in the amount of \$986.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT 13**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about September 28, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to defraud Capital One Bank (previously Hibernia National Bank), located in New Orleans, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$853.50 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **COUNT 14**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 1, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to defraud Capital One Bank (previously Hibernia National Bank), located in Chalmette, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as

set forth above, an altered check in the amount of \$856.67 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 15**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 1, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to defraud Fifth District Savings Bank, located in New Orleans, Louisiana, and to obtain money owned by and under the custody of Fifth District Savings Bank, by means of false and fraudulent pretenses, representations or promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$987.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 16**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 1, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **EVERNY GORDON**, knowingly devised a scheme and artifice to defraud Capital One Bank, (previously Hibernia National Bank), located in New Orleans, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set

forth above, an altered check in the amount of \$989.50 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 17**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 1, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **EVERNY GORDON**, knowingly devised a scheme and artifice to defraud Capital One Bank (previously Hibernia National Bank), located in Metairie, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$800.00, was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 18**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 1, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **EVERNY GORDON**, knowingly devised a scheme and artifice to defraud Whitney National Bank, located in Terrytown, Louisiana, and to obtain money owned by and under the custody of Whitney National Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the

amount of \$978.47 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

**COUNT 19**

On or about October 2, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATHEWS, III** and **ARIELLE ANDERSON**, did with intent to defraud the United States, the Postal Service and other persons, transmit, present and cause to be transmitted and presented, a United States Postal Money Order # 11602667801, in the amount of \$1,000.00, knowing said Money Order to contain material alterations unlawfully made; all in violation of Title 18 United States Codes Sections 500 and 2.

**COUNT 20**

On or about October 2, 2007, in the Eastern District of Louisiana, defendants, **EDDIE MATTHEWS, III** and **ARIELLE ANDERSON**, did with intent to defraud the United States, the Postal Service and other persons, transmit, present and cause to be transmitted and presented, a United States Postal Money Order # 11602667812, in the amount of \$1,000.00, knowing said Money Order to contain material alterations unlawfully made; all in violation of Title 18, United States Code, Sections 500 and 2.

**COUNT 21**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 9, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to

defraud Whitney National Bank, located in Slidell, Louisiana, and to obtain money owned by and under the custody of Whitney National Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$1,221.57 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 22**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 9, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in Slidell, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$939.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 23**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 9, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **DANYALE BARNETT**, knowingly devised a scheme and artifice to

defraud Regions Bank, located in Slidell, Louisiana, and to obtain money owned by and under the custody of Regions Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$1,200.00, was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 24**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 12, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATHEWS, III** and **GILDA DAVIS**, knowingly devised a scheme and artifice to defraud Regions Bank, located in Covington, Louisiana, and to obtain money owned by and under the custody of Regions Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$1,200.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 25**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about October 12, 2007, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **GILDA DAVIS**, knowingly devised a scheme and artifice to defraud Iberia



Bank, located in River Ridge, Louisiana, and to obtain money owned by and under the custody of Iberia Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$900.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 26**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about February 13, 2008, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **DANYALE BARNETT, a/k/a ROCKELL GREGORY**, knowingly devised a scheme and artifice to defraud Capital One Bank, located in Harahan, Louisiana, and to obtain money owned by and under the custody of Capital One Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$959.40, was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

#### **COUNT 27**

A. The allegations contained in Paragraph A of Count 1 are hereby re-alleged and incorporated herein by reference.

B. **The Bank Fraud:**

On or about February 19, 2008, in the Eastern District of Louisiana, defendants **EDDIE MATTHEWS, III** and **SHONDRA IRVING**, knowingly devised a scheme and artifice to defraud

Regions Bank, located in Kenner, Louisiana, and to obtain money owned by and under the custody of Regions Bank, by means of false and fraudulent pretenses, representations and promises and in execution of the scheme and artifice as set forth above, an altered check in the amount of \$985.00 was fraudulently presented and cashed; all in violation of Title 18, United States Code, Sections 1344 and 2.

### **NOTICE OF FORFEITURE**

1. The allegations of Counts 1 through 27 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1344 and 982(a)(2)(A).

2. As a result of the offenses, alleged in Counts 1 through 27, the defendants, **EDDIE MATHEWS, III, ARIELLE J. ANDERSON, a/k/a TOMORROW M. NEWSON; DANYALE N. BARNETT, a/k/a ROCKELL GREGORY; EVERNY GORDON, GILDA DAVIS and SHONDRA IRVING**, shall forfeit pursuant to Title 18, United States Code, Section 982, to the United States all property real or personal, constituting, or derived from, proceeds the defendants obtained directly or indirectly, as a result of bank fraud, in violation of Title 18, United States Code, Section 1344.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 982.

**A TRUE BILL:**

---

**FOREPERSON**



**JIM LETTEN**  
United States Attorney  
La. Bar Roll No. 8517



**JAN MASELLI MANN**  
First Assistant United States Attorney  
La. Bar Roll No. 9020



**JULIA K. EVANS**  
Assistant United States Attorney

New Orleans, Louisiana  
February 13, 2009